

AN ORDINANCE APPROVING A SMOKING BAN AT PARMA PUBLIC HOUSING'S
PUBLIC HOUSING RESIDENTIAL FACILITY – CHEVYBROOK ESTATES

To be amended and referred back to the Public Housing Committee.

Suspension of the Rules

HOUSING ORDINANCE NO. 08-14 12/15/08 L-08-
14

By: M. Galinas
(By Request – Public Housing Executive Director)

AN ORDINANCE AUTHORIZING THE PUBLIC HOUSING EXECUTIVE DIRECTOR
TO ENTER INTO AN AGREEMENT WITH THE HOUSING AUTHORITY INSURANCE
GROUP FOR THE PROVISION OF COMMERCIAL PROPERTY LOSS, CASUALTY,
AND LEAD INSPECTION INSURANCE FOR FISCAL YEAR 2009 FOR THE PARMA
PUBLIC HOUSING AGENCY, AND DECLARING AN EMERGENCY

HOUSING ORDINANCE NO. 08-15 12/15/08 L-08-
15

By: M. Galinas
(By Request – Public Housing Executive Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC HOUSING TO
ENTER INTO A CONTRACT WITH JAMES G. ZUPKA, CPA, INC., FOR AUDIT
SERVICES FOR THE FISCAL YEARS 2008, 2009, 2010, AND 2012, AND
DECLARING AN EMERGENCY

You are therefore commanded to summon: Mayor Dean E. DePiero, Auditor Dennis M. Kish, Law
Director Timothy Dobeck, Treasurer Anthony C. Zielinski., Service Director Brian Higgins, Public
Housing Comm. Lev Kulchytsky, Council President Charles M. Germana, Sean Brennan, Nicholas
Celebrezze, Brian Day, Mary Galinas, Roy J. Jech, Larry Napoli, Ken Ramser, Tom Regas, Scott
Tuma, Council members and Tom Mastroianni, Clerk of said Council, to meet in Special Session as
aforesaid for the purposes aforesaid.

Hereof fail not and have you then and there this Writ, with your return thereon in what
manner you have executed the same.

In testimony whereof, I have hereunto set my hand and caused the
corporate seal of said City to be hereunto affixed, this 12th day of
December AD 2008.

/seal/

(signed) Charles M. Germana
City of Parma PRESIDENT OF COUNCIL CHARLES M. GERMANA

CERTIFICATE OF SERVICE

NOTICE OF SPECIAL PUBLIC HOUSING MEETING OF COUNCIL

I, Daniel A. Hoffman, Chief of Police of the City of Parma, Ohio, do hereby certify that on December 12, 2008, I received the notices of a Special Meeting of Council, a copy of which is attached hereto, and that in accordance with the instructions given to me, I have served each person named in the notice with the notice either personally or by leaving a copy of such notice and the last of the persons named on the notices was served at his usual place of residence with the notice on December 12, 2008, at 6:30 PM, which date and time is more than twelve hours prior to the time of the Special Meeting.

(signed) Daniel A. Hoffman
Chief of Police,
City of Parma, Ohio.

DISPENSE WITH THE REGULAR ORDER OF BUSINESS

Motion made by Councilman Jech, seconded by Councilman Day to dispense with the regular Order of Business and to waive the Rules of Council at this time in order to hold this Special Public Housing Council Meeting. Motion carried.

DISPOSAL OF THE JOURNAL

Mr. Germana – We have the Minutes of the Special Public Housing Meeting of October 20, 2008, before us. Are there any additions or corrections? Hearing none, the Minutes will stand approved as printed.

Second Reading:

HOUSING ORDINANCE NO. 07-12 11/19/07

L-07-

12

By: M. Galinas (Special Meeting)
(By Request – Public Housing Executive Director)

AN ORDINANCE APPROVING A SMOKING BAN AT PARMA PUBLIC HOUSING'S PUBLIC HOUSING RESIDENTIAL FACILITY – CHEVYBROOK ESTATES

Motion made by Councilwoman Mary Galinas, seconded by Councilman Day to amend Ordinance No. 07-12 as follows: That the 8th Whereas clause shall be amended to read as follows:

“Whereas, The Americans with Disabilities Act (ADA) expressly provides that it does not require the accommodation of smoking. Sensitivity to secondhand smoking may be determined to be a disability under the ADA's Fair Housing laws. IN AN ILLINOIS CASE, HUD APPROVED A CONCILIATION AGREEMENT PROVIDING NON-SMOKING HOUSING FOR A SECTION 8 TENANT WITH RESPIRATORY DIFFICULTIES WHO LIVED IN A LARGE HIGH-RISE;”

That a 9th Whereas clause is hereby added and shall read as follows:

“WHEREAS, A SURVEY CONDUCTED IN MINNESOTA FOUND THAT 95% OF SMOKE-FREE PUBLIC HOUSING MANAGERS SAID THAT SMOKE-FREE DESIGNATION HAD NATURAL OR POSITIVE EFFECTS ON TURNOVER, VACANCY, AMOUNT OF RENT CHARGED, AND REDUCED TURNOVER COSTS;”

That Section 3 shall be amended to read as follows:

“Section 3. The new smoke-free policy will go into effect when a unit is vacant and a new family leases with the Agency. Current residents who are smokers will be grandfathered in. “Grandfathering” means for a reasonable period, such as until lease renewal. THE FOLLOWING

REVISIONS SHALL BE MADE TO THE PARMA PUBLIC HOUSING LOW RENT SUBSIDY LEASE:

NEW SECTION IX(r) SHALL READ AS FOLLOWS:

SECTION IX(r): TO ASSURE THAT TENANT AND/OR ANY MEMBER OF THE HOUSEHOLD, A GUEST, OR ANOTHER PERSON UNDER TENNANT'S CONTROL SHALL NOT SMOKE IN THE SWELLING UNIT AND/OR ANY OTHER PLACE INSIDE THE BUILDING. (Other sections should be relettered after this point)

NEW SECTION XIV(a)(10) SHALL READ AS FOLLOWS:

SECTION XIV(a)(10) SMOKING ANYWHERE INSIDE THE BUILDING INCLUDING BUT NOT LIMITED TO TENANT'S DWELLING UNIT." Motion carried.

Mr. Germana – Said Public Housing Ordinance No. 07-12 shall be referred back to the Public Housing Committee as amended.

Suspension of the Rules

HOUSING ORDINANCE NO. 08-14 12/15/08

L-08-

14

By: M. Galinas

(By Request – Public Housing Executive Director)

AN ORDINANCE AUTHORIZING THE PUBLIC HOUSING EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE HOUSING AUTHORITY INSURANCE GROUP FOR THE PROVISION OF COMMERCIAL PROPERTY LOSS, CASUALTY, AND LEAD INSPECTION INSURANCE FOR FISCAL YEAR 2009 FOR THE PARMA PUBLIC HOUSING AGENCY AND DECLARING AN EMERGENCY

Mr. Germana – Shall the Statutory provision and Rule 47 requiring the full and distinct reading of Housing Ordinance No. 08-14 on three different days be dispensed with?

Yes: Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to committee be dispensed with and Housing Ordinance No. 08-14 be placed on final passage?

Yes: Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.

No: None, motion carried

Motion made by Councilman Jech, seconded by Councilman Day to adopt Housing Ordinance No. 08-14.

Yes: Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.

No: None; Housing Ordinance No. 08-14 is adopted.

HOUSING ORDINANCE NO. 08-15 12/15/08

L-08-

15

By: M. Galinas

(By Request – Public Housing Executive Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC HOUSING TO ENTER INTO A CONTRACT WITH JAMES G. ZUPKA, CPA, INC., FOR AUDIT SERVICES FOR THE FISCAL YEARS 2008, 2009, 2010, AND 2012, AND DECLARING AN EMERGENCY

Mr. Germana – Shall the Statutory provision and Rule 47 requiring the full and distinct reading of Housing Ordinance No. 08-15 on three different days be dispensed with?

Yes: Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to committee be dispensed with and Housing Ordinance No. 08-15 be placed on final passage?

Yes: Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.

No: None, motion carried

Motion made by Councilman Jech, seconded by Councilman Day to adopt Housing Ordinance No. 08-15.

Yes: Galinas, Jech, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.

No: None; Housing Ordinance No. 08-15 is adopted.

ADJOURNMENT

Motion made by Councilman Jech, seconded by Councilman Day to adjourn said Special Parma Public Housing Council Meeting at 7:08 PM. Motion carried.

C E R T I F I C A T I O N

I, Tom Mastroianni, Clerk of Council for the City of Parma, Ohio, do hereby certify this true and correct copy of the Minutes of the Special Parma Public Housing Council Meeting held on Monday, December 15, 2008.

TOM MASTROIANNI
CLERK OF COUNCIL

CHARLES M. GERMANA
PRESIDENT OF COUNCIL

Minutes completed on 1/9/09.